

Senate Engrossed

State of Arizona  
Senate  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 47

## SENATE BILL 1197

AN ACT

AMENDING SECTION 23-901.01, ARIZONA REVISED STATUTES; RELATING TO WORKERS' COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 23-901.01, Arizona Revised Statutes, is amended to read:

23-901.01. Occupational disease; proximate causation; definitions

A. The occupational diseases as defined by section 23-901, paragraph 12, subdivision (c) shall be deemed to arise out of the employment only if all of the following six requirements exist:

1. There is a direct causal connection between the conditions under which the work is performed and the occupational disease.

2. The disease can be seen to have followed as a natural incident of the work as a result of the exposure occasioned by the nature of the employment.

3. The disease can be fairly traced to the employment as the proximate cause.

4. The disease does not come from a hazard to which workers would have been equally exposed outside of the employment.

5. The disease is incidental to the character of the business and not independent of the relation of employer and employee.

6. The disease after its contraction appears to have had its origin in a risk connected with the employment, and to have flowed from that source as a natural consequence, although it need not have been foreseen or expected.

B. Notwithstanding subsection A of this section and section 23-1043.01, any disease, infirmity or impairment of a firefighter's OR PEACE OFFICER'S health that is caused by brain, bladder, rectal or colon cancer, lymphoma, leukemia or aden carcinoma or mesothelioma of the respiratory tract and that results in disability or death is presumed to be an occupational disease as defined in section 23-901, paragraph 12, subdivision (c) and is deemed to arise out of employment. The presumption is granted if all of the following apply to the firefighter:

1. The firefighter OR PEACE OFFICER passed a physical examination before employment and the examination did not indicate evidence of cancer.

2. The firefighter OR PEACE OFFICER was assigned to hazardous duty for at least five years.

3. The firefighter OR PEACE OFFICER was exposed to a known carcinogen as defined by the international agency for research on cancer, AND informed the department of this exposure, and the carcinogen is reasonably related to the cancer.

C. Subsection B of this section applies to former firefighters AND PEACE OFFICERS who are sixty-five years of age or younger.

D. Subsection B of this section does not apply to cancers of the respiratory tract if the firefighter OR PEACE OFFICER has smoked tobacco products

1 E. For THE purposes of this section,--:

2 1. "Firefighter" means a full-time firefighter who was regularly  
3 assigned to hazardous duty.

4 2. "PEACE OFFICER" MEANS A FULL-TIME PEACE OFFICER WHO WAS REGULARLY  
5 ASSIGNED TO HAZARDOUS DUTY AS A PART OF A SPECIAL OPERATIONS, SPECIAL WEAPONS  
6 AND TACTICS, EXPLOSIVE ORDINANCE DISPOSAL OR HAZARDOUS MATERIALS RESPONSE  
7 UNIT.

APPROVED BY THE GOVERNOR APRIL 7, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2003.

Passed the House March 31, 20 03,

by the following vote: 57 Ayes,

2 Nays, 1 Not Voting

Jake Flake  
Speaker of the House  
Cheryl Laube  
Asst. Chief Clerk of the House

Passed the Senate February 13, 20 03,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Blumett  
President of the Senate  
Charmine Bellister  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of April, 20 03

at 1:00 o'clock P M.

Sandra Ramirez  
Secretary to the Governor

Approved this 7 day of

April, 20 03,

at 2:35 o'clock P M.

Jon Norht  
Governor of Arizona

S.B. 1197

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of April, 20 03

at 4:27 o'clock P M.

Janice K. Brewer  
Secretary of State